

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON McCOY,

No. C 09-4768 SI (pr)

Plaintiff,

ORDER

v.

MIKE EVANS, warden; et al.,

Defendants.

Defendants filed an ex parte request for a sixty-day extension of time to file a dispositive motion. Upon due consideration of the request and the accompanying declaration of attorney Erin Sullivan, the court GRANTS the request. (Docket # 11.) The court now sets the following new briefing schedule for dispositive motions:

1. Defendants must file and serve their dispositive motion no later than **December 23, 2010.**

2. Plaintiff must file and serve on defense counsel his opposition to the dispositive motion no later than **January 28, 2011.**

3. Defendants must file and serve their reply brief (if any) no later than **February 11, 2011.**

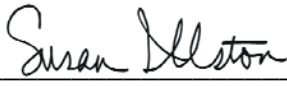
Plaintiff's second motion for referral to the pro se prisoner settlement program is DENIED. (Docket # 14.) Although the court declines to refer the action at this time, the parties are free to attempt to settle this matter among themselves. Plaintiff could start that process by, for example, sending to defense counsel a letter making a realistic settlement demand.

All the defendants have been served with process except for defendant Lutes. The Marshal's representative has informed the court that a CDCR representative stated that this

1 defendant is deceased. No later than **December 15, 2010**, plaintiff must provide to the court
2 sufficient information for Lutes' personal representative to be served with process, i.e., his/her
3 name and address. If plaintiff does not provide the necessary information by the deadline
4 defendant Lutes will be dismissed without prejudice.

5 IT IS SO ORDERED.

6 Dated: November 1, 2010



SUSAN ILLSTON
United States District Judge